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had requested the prisoner to accompany him to the police station for investigation but had accused him of no crime and had not threatened to arrest him. The killing of a constable is called a political crime in Russia and may be tried by a special tribunal. The extradition treaty between the British Empire and Russia excludes extradition for offenses of a political character. *Held*, that Manitoba should surrender the prisoner to Russia. *Re Federenko*, 15 West. L. R. 369 (Manitoba, K. B., Oct. 18, 1910). See NOTES, p. 386.

FALSE PRETENSES — DEFENSES — COLLECTING HONEST DEBT BY FALSE PRETENSES. — The defendant falsely represented to the prosecutor that he was sent to buy a cow for a butcher, whose agent he claimed to be. They agreed on a price of twenty-eight dollars, and the defendant led the prosecutor's cow away. Later, instead of paying the money, the defendant presented to the prosecutor a judgment against him for fifty dollars which had been assigned to the defendant. *Held*, that the defendant cannot be convicted of obtaining property by false pretenses. *State v. Williams*, 69 S. E. 474 (W. Va.).

To convict for obtaining money or goods by false pretenses, a specific intent to defraud must be proved. *People v. Baker*, 96 N. Y. 340. So if the defendant *bonâ fide* believed that he had a right to obtain the money or goods from the prosecutor, the intent to defraud was absent. *Rex v. Williams*, 7 C. & P. 354. See *The Queen v. Hamilton*, 1 Cox C. C. 244, 247. A misunderstanding of the Williams case has led to the frequent statement of a broad rule that one who by a false pretense procures another to pay a debt already due does not commit this statutory crime because no injury is done. See 2 BISHOP, CRIMINAL LAW, 8 ed., § 466; 2 WHARTON, CRIMINAL LAW, 8 ed., § 1197. This may be true where the debtor intends to pay the debt and knows that he is doing so. *People v. Thomas*, 3 Hill (N. Y.) 169; *Commonwealth v. Thompson*, 3 Pa. L. J. 250. See *Commonwealth v. Leisy*, 1 Pa. Co. Ct. Rep. 50. *Contra*, *Regina v. Parkinson*, 41 U. C. Q. B. 545. Certainly in all other cases, of which the principal case is an example, the debtor has been defrauded. *People v. Smith*, 5 Parker Cr. Rep. (N. Y.) 490. *Contra*, *State v. Hurst*, 11 W. Va. 54. The existence of a debt due the prisoner, however, may be evidence, coupled with other circumstances, from which the jury may find that there was no specific intent to defraud. *People v. Getchell*, 6 Mich. 496; *Commonwealth v. McDuffy*, 126 Mass. 467. *Contra*, *People v. Smith*, *supra*. But *cf.* *People v. Griffin*, 2 Barb. (N. Y.) 427.

HUSBAND AND WIFE — PRIVILEGES AND DISABILITIES OF COVERTURE — STRICT CONSTRUCTION OF STATUTE GIVING SEPARATE RIGHTS. — The plaintiff sued her husband for assault and battery, under a statute declaring that married women may sue for the recovery, security, or protection of their property, and for torts committed against them, as fully and freely as if they were unmarried. *Held*, (three judges dissenting) that the plaintiff cannot recover. *Thompson v. Thompson*, 218 U. S. 611.

Several courts have reached a like result under similar statutes. *Freethy v. Freethy*, 42 Barb. (N. Y.) 641; *Peters v. Peters*, 42 Ia. 182. Under the same type of acts, however, a wife may successfully sue her husband for the recovery of property. *Wood v. Wood*, 83 N. Y. 575. See *Carney v. Gleissner*, 62 Wis. 493. Other courts allow her to acquire title against him by adverse possession. *Union Oil Co. v. Stewart*, 110 Pac. 313 (Cal.); *McPherson v. McPherson*, 75 Neb. 830. The difficulty is often stated to be more than procedural, and to involve the unity of person resulting from marriage. *Phillips v. Barnet*, 1 Q. B. D. 436. But this objection has been largely abrogated by statute. *Southwick v. Southwick*, 49 N. Y. 510; *Burkett v. Burkett*, 78 Cal. 310. Another frequent ground of the decisions is public policy: that the sanctity of the home would be undermined and the breach kept open by allowing an action.